



Arkansas Department of Community Correction

Two Union National Plaza Building

105 West Capitol, 2nd Floor

Little Rock, Arkansas 72201-5731

(501) 682-9510 Fax: (501) 682-9538

ADMINISTRATIVE DIRECTIVE: 00-12 HARASSMENT

TO: DEPARTMENT OF COMMUNITY PUNISHMENT (DCP) EMPLOYEES

FROM: G. DAVID GUNTARP, DIRECTOR

SUPERSEDES: NONE

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APPROVED: Signature on File

Effective November 15, 2000

I. APPLICABILITY This policy applies to all DCP employees, and its agents, such as volunteers, contractors, and vendors.

II. POLICY. It is the policy of the Department of Community Punishment to provide an environment where employees can work together comfortably and productively, free from harassment. Harassment of individuals because of their age, disability, national origin, race, religion, and sex is prohibited by State and federal law. Employees of the DCP must respect the civil rights of fellow employees and offenders and must not engage in retaliatory acts against anyone who claims or reports harassment.

III. DEFINITIONS.

A. Agent. A contractor, vendor, or volunteer having a formal or informal relationship with the DCP.

B. Sexual Harassment.

1. Directing unwelcome and offensive conduct toward a person because of his or her sex and thereby altering the conditions of employment to such an extent that a reasonable person would consider the work environment to be abusive.
2. Basing employment decisions on an employee's submission to or rejection of sexual advances.

IV. GUIDELINES. Employees should refrain from engaging in behavior or speech that a reasonable person would consider to be unwelcome and offensive. The perception of the recipient, not the intent of the alleged harasser, is relevant when judging whether certain behaviors constitute harassment. Acts that are not inherently sexual, but are unwelcome and offensive and targeted to a person because of his or her sex are also prohibited.

A. Sexual Harassment.

"There is good in all people; how we deal with them determines how much of it we see."

1. Bargaining for sexual favors. DCP employees and agents shall not bargain with an employee or agent for sexual favors, nor openly or by inference make job benefits or advantages contingent on an employee's acceptance of such an offer. The following are some examples of bargaining for sexual favors:

- a. an employee or agent threatens or implies that failure to accept a request for a date or to be receptive to flirtations will affect an employee's ability to obtain a job promotion or a favorable performance report;
- b. an employee or agent offers benefits, such as promotion, favorable performance evaluations, favorable assigned duties or shifts, or recommendations in exchange for sexual favors.

2. Hostile Work Environment. No DCP employee or agent shall be permitted to act in a way that creates or contributes to an intimidating, hostile, or offensive work environment. The following are some examples of contact which would contribute to a hostile work environment:

- a. written, verbal, or computer-generated (e.g., e-mail) sexually suggestive or obscene comments, invitations, propositions, threats, slurs, epithets, jokes about gender-specific traits;
- b. physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, or coercing sexual intercourse;
- c. visual contact, such as leering or staring at another's body, gesturing, or displaying sexually suggestive objects, pictures, cartoons, posters, or magazines;
- d. continuing to express sexual or social interest after being informed that the interest is unwelcome;
- e. using sexual behavior to control, influence, or affect the career, salary, or work environment of another employee.

B. Harassment of Protected Groups. Harassment of persons because of their age, disability, national origin, race, and religion is prohibited. The following are some examples of harassing behaviors:

1. preferential or punishing treatment of persons especially by a supervisor;
2. jokes or pranks that ridicule, belittle, berate, or otherwise target people;
3. obscene language or gestures;
4. the distribution or display of written or visual materials such as magazines, cartoons, posters, or images the content of which would, by a reasonable person, be perceived as targeting people;
5. slurs regarding members of a protected class.

C. Retaliation. No employee or agent shall retaliate against another employee because of an harassment claim. The following are examples of retaliatory behavior:

1. any adverse personnel action or unfavorable action taken against a subordinate

- because of his or her claim;
- 2. ostracism or other acts aimed at embarrassing or humiliating a claimant.

V. COMPLAINT PROCEDURE.

A. Complaint. An employee who has been subjected to harassment prohibited under this administrative directive is encouraged to report the harassment through one of the following means:

- 1. His or her supervisor or someone above the supervisor in the supervisory chain, if the immediate supervisor is the harasser;
- 2. Employee Grievance and Mediation Procedure; or
- 3. DCP HRS Administrator.

B. Response. When a DCP supervisor, manager, or administrator becomes aware of alleged harassment of an employee under his/her supervision, he/she should respond as follows:

- 1. Immediately begin an investigation into the facts surrounding the complaint or suspicion and, as necessary, consult with the EEO/Grievance Officer. If it is determined that the investigation should be conducted from the Central Office or by anyone other than the supervisor, the supervisor, manager, or administrator shall provide all relevant information and cooperate with the investigation.
- 2. Take appropriate steps to protect the harassed employee from further harassment.
- 3. If possible, complete the investigation within 10 days of becoming aware of alleged harassment.
- 4. Considering any advice received from HRS and the EEO/ Grievance Officer and with the consent of the appropriate manager or administrator, take the appropriate action. Report the disciplinary action taken using forms prescribed in the Employee Conduct and Discipline administrative directive.
- 5. The supervisor should keep his or her manager or administrator informed at each step in the above process and, at an appropriate interval after taking action, attempt to determine whether the harassing behavior has ceased.

C. Confidentiality. All complaints shall be handled as confidentially as possible so that the privacy of the harassed employee and the alleged harasser are respected. At the conclusion of the investigation, the complaining employee and the alleged harasser will be informed, to the extent appropriate, of the outcome of the investigation and any action planned.

D. False Claims. While valid claims are encouraged, a complaint made that an employee knows is false will subject him or her to disciplinary action.

VI. DISCIPLINE. Any employee found to have violated this policy shall be subject to appropriate disciplinary action up to and including discharge from employment. Harassment on the part

of an agent of the Department may be grounds for termination of any formal or informal agreement between the agent and the Department.

VII. REFERENCE. 42 U.S.C. Section 2000e et seq.; 29 CFR 1604.11; and Ark. Code Ann. §16-123-105(1).